



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

Danielle M. Outlaw, Chief of Police

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MEMORANDUM

January 9, 2018

TO: Danielle Outlaw, Chief of Police
Portland Police Bureau
(through channels)

SUBJECT: Update on Status of Reserve Program and Needs Assessment

The purpose of this memo is to update the Chief's Office on the status of the Reserve Program, and to seek direction. As the Youth Services Division identifies and applies resolutions to the deficiencies in our sphere of influence, we are quickly approaching a situation where all remaining program deficiencies are outside the scope of the Youth Services Division to address. Many of the DOJ mandates concern training requirements. Some of the program deficiencies stem from bad directives and SOPs that require the attention of several partners. It is requested that the Chief's Office provide direction on how to proceed after receiving this update.

In September of 2017, the Youth Services Division leadership team began a top to bottom review of the Reserve Program. It is recognized the Reserve Program brings value to the community, the City of Portland, and the Portland Police Bureau. The results of this review, however, revealed areas in which the program also represents exposure for the City of Portland and non-compliance with the 2012 DOJ Settlement Agreement. After consulting with our partners in the City of Portland and based on direction after briefing the Chief's Office, Reserve members have been directed not to perform any sworn duties or have any contact with the public in uniform until these issues have been addressed.

In an effort to remain brief, this list of concerns is not comprehensive, but it represents the areas I believe can paint the most relevant picture for your edification:

- Reserve members are volunteers who receive no employment protections. The City of Portland grants Reserve members their authority to perform sworn duties. Reserve members are covered by the DOJ Settlement Agreement.
- CIT Requirement: The DOJ Settlement Agreement mandates all sworn members receive 40 hours of CIT training. A CIT curriculum has been crafted specifically for the City of Portland, and approved by the DOJ for this purpose. Substitute CIT courses from other agencies cannot serve our purposes. At this time, it appears as if few of the Reserve members have satisfied this requirement, but they have fallen out of compliance due to not receiving annual updates since approximately 2014.
- Directive Acknowledgements: At the time of the review of the program, most Reserve members had not acknowledged any new directives. These directives included Deadly Force (1010.10), Vehicle Interventions and Pursuits (630.05), General Reporting Guidelines (900.00), Use of Force (1010.00) and more. Since this initial review, many Reserve members have been directed to acknowledge these directives. This effort is still underway.
- Annual In-Service Requirements: No reserves have satisfied the requirement to attend In-Service Training. This is a requirement for all sworn members. The topics covered at in-service also serve to satisfy several DOJ mandates such as annual Taser training, legal updates, supervisory training, etc.

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- **DPSST & Record-Keeping:** DPSST maintains a "current status" and "training records" of all officers who receive a DPSST number. The Portland Police Bureau is responsible for communicating changes of status, such as retirements, to DPSST by submitting a Form F-4. It does not appear as if anyone has updated DPSST on the status of any current or past reserve members. DPSST's records do not reflect the correct status of most Reserve members. It is unknown what responsibility PPB has to share records with DPSST, and what obligation PPB has to maintain confidentiality of records. These record-keeping and record-sharing best practices are the expertise of the Personnel Division, not the Youth Services Division. The Personnel Division, however, does not have a role in maintaining any records of the Reserve Program or its members.
- **Directive 0630.23 (Reserve Program):** This directive requires a rewrite. As it is currently written, there are several areas in conflict with other directives. For example, the directive mandates a rank structure that mirrors that of full time officers. This puts Reserve members in supervisory ranks in an untenable position. The requirements for supervisors have been significantly enhanced and included in several directive rewrites in recent years. This is an unnecessary area of exposure that should be addressed. Additional concerns with the directive surround the language authorizing two reserve members to patrol in a partner car at the discretion of the reserve commander, even when one reserve member is probationary.
- **EIS:** At the time of the review, the EIS system did not include Reserve members. EIS files are created for employees of the City of Portland by interfacing with the SAP system. Because Reserve members are volunteers, they are not a part of the SAP system. This also seems to result in Reserve members not existing in the UDAR program for the purpose of schedule tracking. The EIS directive and process of triggering "early warning system" notifications could not be followed when it concerns Reserve members.
- **SOPs:** The Reserve program has a comprehensive SOP manual, which was written by a member of the Reserve Program. I received a copy of these SOPs in November and reviewed it. This document is very problematic and includes language and direction which are not consistent with the direction the PPB is going with our partners including IPR and the DOJ. This document needs to be visited by relevant partners including the Professional Standards Division to help identify best practices and eliminate any problematic practices and language.
- **Coordination of Reserve Activity with Precincts, and Timekeeping:** Members of the Reserve program maintain a calendar which is used to schedule their volunteer time. This calendar is not proactively shared with the precinct supervisors where the Reserve members intend to volunteer. Additionally, members of the Reserve program track their own volunteer hours in a record-keeping system outside the control of the City of Portland or the PPB. This is problematic on a number of levels.
- **Termination Process:** There is no current process in place to end the City of Portland's relationship with a volunteer member of the Reserve program. Record-keeping for the purpose of reference checks by prospective employers is also an area of concern.

In an effort to get the Reserve Program in compliance and strengthen it, we have dedicated resources and time to resolving as many of these issues as we could do immediately. The following progress has been made in recent weeks:

- The Directive Acknowledgement issue has largely been addressed.
- The EIS system now includes all members of the Reserve program.
- A recommendation memo has been sent to your office to attempt to end a Reserve member's status with the City of Portland in an effort to bring resolution to a pending IA investigation.
- A request has been submitted to update Directive 0630.23, and this project has received "next in line" status with the Strategic Services Division. A directive re-write of this kind requires the input of several partners including the City Attorney, and can be expected to take up to a year.
- YSD is currently rewriting the SOPs for the Reserve Program. This is a significant project, and will require the input of partners such as the City Attorney's office and Professional Standards Division.

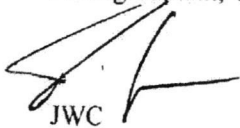
There are challenges still remaining. Many of the requirements depend on the ability to train all Reserve members in CIT and all mandatory In-Service requirements. During several recent meetings with leadership from the Reserve Program, Professional Standards Division, the Training Division, and the Behavioral Health Unit, it became clear there are some significant obstacles:

- CIT training is received in a specific manner consisting of three necessary elements.
 - 1) The first block of CIT training is a basic, universal CIT curriculum recognized in most police agencies across the nation. In Oregon, these basic requirements are taught during 28 hours of training received at the Basic Academy, which Reserve members do not attend. Reserve members attend a modified Reserve Academy offered at Clackamas County. For several years, our Behavioral Health Unit taught this basic portion of CIT training, but not since 2016.
 - 2) After the basic CIT curriculum, there is a requirement for officers to receive agency-specific training. This training provides instruction on their agency-specific directives and reporting requirements, and on specific services available in their county and city. In Portland, this segment of training is a 14-hour block of training currently taught at the Advanced Academy, which Reserve members do not attend. Some reserves received this training several years ago, but not all. Some Reserve members attempted to get CIT training at other counties without understanding that this element of CIT training would never be satisfied in that way.
 - 3) Following the first two blocks of CIT training, every year every sworn member of the Portland Police Bureau is required to receive annual CIT updates, which are provided at annual in-service training. No member of the Reserve Program has received any of these updates provided at In-Service training, and are now out of compliance.
- In-Service Training is an annual requirement for all sworn personnel identified in the DOJ Settlement Agreement, including Reserves. The Training Division cannot accommodate a night-shift In-Service schedule for Reserves. Captain Bob Day, of the Training Division, has remained engaged in this issue, and can brief you on the needs of the Training Division further.
- Although an initial draft of SOPs is being worked on, the SOP issue is significant. This will require a significant amount of time to rewrite and properly vet. Serious conversations need to happen about the vision of the Reserve Program as we proceed.

As we continue attempting to address the issues outlined here, we are quickly arriving at a place where the only remaining issues are out of the control of the Youth Services Division.

The purpose of this memo is to brief you of the complexities of this process and to solicit direction as we reach an impasse.

JAMES CROOKER
Acting Captain, Youth Services Division



JWC

c: Officer Brian Pelster
Acting Lieutenant James Quackenbush